



October 31, 2008

VIA ELECTRONIC FILING

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Written Ex Parte Presentation, ET Docket Nos. 04-186, 02-380

Dear Chairman Martin:

The Public Broadcasting Service (PBS) submits this letter strongly encouraging the Commission to delay the November 4th vote on the proceeding that could allow interference-causing unlicensed devices in the television broadcast band. While we respect and understand the Commission's attempts to foster policies that breed innovation and advancement of information technologies, PBS is concerned that this proceeding is being moved through too quickly and without due regard for the serious harms it could cause public television stations and the millions of viewers that rely on PBS member stations for education, arts and public affairs programming.

Most pressing among our concerns is the fact that next Tuesday's vote is based on the findings of a 400-page study of unlicensed devices recently released by the FCC's Office of Engineering and Technology (OET). There remains some question of whether this study supports the Commission's conclusion that unlicensed devices are ready for wide scale deployment in the broadcast spectrum. Given that these devices have a demonstrated potential to cause significant interference that would reduce the public's ability to view television broadcasts, it seems prudent to at least allow adequate time for public comment on the study.

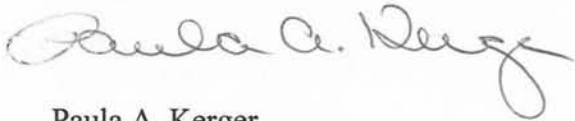
All television stations are on the brink of a historic and costly transition to digital transmission. Public television stations across the country have eagerly embraced this switch, and many PBS member stations are already broadcasting multiple channels of digital television, featuring some of the best local and national programming available over-the-air or via cable. We anticipate that after the switch next February, many television viewers, concerned about the high cost of cable and satellite television, will remain or even return to over-the-air broadcasting as their exclusive means of accessing television programming.

The next few years represent a crucial time for public television. The decade-long investment in digital technology is a substantial gamble for stations that rely largely on the patronage of our viewers and sponsors to fund programming and operations. Authorizing unlicensed devices

without adequate protections could seriously harm our attempt to make digital over-the-air transmission a standard delivery mechanism for television long into the future. Many viewers approach digital television with some trepidation after decades of reliable analog service. If their early experiences with broadcast digital television involve frozen pictures and other impairments, we are concerned that our investment in digital delivery will have been for naught.

As you can tell from the flood of correspondence pouring into your office, this issue is among the most contentious the FCC has considered in the past decade. PBS is confident that, with due deliberation and study, the FCC can both protect the nation's digital television service *and* allow creative and more efficient uses of the broadcast spectrum. The rules that the Commission reportedly intends to adopt on November 4, however, will fall far short of that goal and could effectively take TV off the air for millions of Americans. Accordingly, we urge you to approach the complex issues of spectrum sharing through a considered plan derived from a thorough process. The future of public broadcasting may depend on it.

Sincerely,

A handwritten signature in cursive script, reading "Paula A. Kerger".

Paula A. Kerger
President and CEO
Public Broadcasting Service

cc: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Robert M. McDowell
The Honorable Deborah Taylor Tate
Secretary Marlene H. Dortch